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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONIS ARIEL MALDONADO,

Defendant.

CASE NO. 1:21-CR-00027-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: December 6, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on December 6, 2023. In addition, the Court has ordered the parties to set a trial date.

2. The parties agree that the setting of a trial date at this time would not serve the interest of justice. Although an indictment was filed in this case on January 28, 2021, the indictment did not charge the defendant with any crime and he did not appear in the case until after the filing of a superseding indictment on May 20, 2022. (Doc. 47.) The original counsel for the United States also did not produce discovery to defense counsel but required defense counsel to review the discovery in the U.S. Attorney's Office and would not allow the discovery to be provided to the defendant. Recently, the currently assigned counsel for the United States determined that discovery may be produced, as the

1 security concerns that originally justified requiring defense to review discovery in the U.S. Attorney's
2 Office are no longer present. Counsel for the defendant needs additional time to review the materials
3 documenting the nearly year-long investigation by the FBI and High Intensity Drug Trafficking Area
4 task force in Fresno.

5 3. The parties are engaged in ongoing negotiations and believe a resolution of the case is
6 likely.

7 4. By this stipulation, defendant now moves to continue the status conference until April 3,
8 2024, and to exclude time between December 6, 2023, and April 3, 2024, under 18 U.S.C.
9 § 3161(h)(7)(A), B(iv) [Local Code T4].

10 5. Defense counsel will be unavailable for significant periods of time from January through
11 mid-March 2024.

12 6. The parties agree and stipulate, and request that the Court find the following:

13 a) The government has represented that the discovery associated with this case
14 includes numerous reports, photographs, and recordings. The government is currently producing
15 discovery to defense counsel that defense counsel was previously required to review in the U.S.
16 Attorney's Office. The government is aware of its ongoing discovery obligations.

17 b) The parties are in ongoing plea negotiations.

18 c) Counsel for defendant desires additional time to consult with his client, review the
19 current charges, conduct investigation, review/copy discovery, discuss potential resolutions with
20 their client, prepare pretrial motions, and/or to otherwise prepare for trial.

21 d) Counsel for defendant believes that failure to grant the above-requested
22 continuance would deny them the reasonable time necessary for effective preparation, taking into
23 account the exercise of due diligence.

24 e) The government does not object to the continuance.

25 f) Based on the above-stated findings, the ends of justice served by continuing the
26 case as requested outweigh the interest of the public and the defendants in a trial within the
27 original date prescribed by the Speedy Trial Act.

28 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

et seq., within which trial must commence, the time period of December 6, 2023, to April 3, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

7. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 22, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ KAREN A. ESCOBAR
KAREN A. ESCOBAR
Assistant United States Attorney

Dated: November 22, 2023

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
DONIS ARIEL MALDONADO

ORDER

The parties' request to continue the status conference to April 3, 2024, is GRANTED. Time is excluded between December 6, 2023, and April 3, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

The Parties *shall* select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

Dated: November 27, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE